



The Task Force on Court Facilities
303 Second Street, South Tower, San Francisco, CA 94107-1366

Meeting Report
December 2 & 3, 1998
DoubleTree Hotel, San Francisco, CA

<p>ATTENDEES:</p> <p>TASK FORCE MEMBERS:</p> <p>PRESENT: Hon. Daniel J. Kremer, Chair Mr. Greg Abel Hon. Joan B. Bechtel Sheriff Robert T. Doyle Mr. David Janssen Mr. Fred Klass Hon. Michael E. Nail Hon. Wayne Peterson Hon. Charles V. Smith Mr. Eugene A. Spindler II Mr. Anthony Tyrrell Hon. Diane Elan Wick</p> <p>ABSENT: Ms. Yvonne Campos Hon. Jerry Eaves Hon. Martha Escutia Hon. Gary Freeman Mr. Wylie A. Aitken Mr. John A. Clarke</p>	<p>PRESENTERS: Mr. Dan Smith, DSA-Vitetta Mr. Andy Cupples, DMJM Mr. Mike Thomas, JPA</p> <p>TASK FORCE STAFF: Mr. Robert Lloyd, Project Coordinator / Senior Facilities Planner Mr. Bruce Newman, Facilities Planner Ms. Veronica Gomez, Staff Analyst</p> <p>CONSULTANTS TO THE TASK FORCE: Mr. Andrew Cupples, Daniel, Mann, Johnson & Mendenhall Mr. Jeff Buck, Daniel, Mann, Johnson & Mendenhall Ms. Kim Steinjann, Daniel, Mann, Johnson & Mendenhall Mr. Dan Smith, Daniel C. Smith & Associates/Vitetta Group Ms. Kathy Bruns, Daniel C. Smith & Associates/Vitetta Group Mr. Mike Thomas, Justice Planning Associates Mr. Cliff Woodard, Justice Planning Associates Mr. Thomas Gardner, Vitetta Group</p> <p>GUESTS: Ms. Kellie Bieber, Orange County Ms. Catherine Knighten, Orange County Ms. Sue Bost, Department of Finance Mr. Rubin Lopez, California State Association of Counties Mr. Jonathan Wolin, Administrative Office of the Courts Mr. John Van Wierivin, Los Angeles Superior Court Mr. George Newell, Santa Clara County Mr. Art Gomez, San Bernardino County</p>
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DAY 1 – Wednesday, December 2, 1998

I. INTRODUCTION AND WELCOME – Justice Daniel Kremer

- 1) Justice Kremer opened the Task Force meeting at 10:00 AM. The meeting report from the previous task force meeting was approved. Justice Kremer noted that documentation of meeting activities is in report format and is not considered "minutes."
- 2) The proposed conflict of interest code was reviewed. Lyn Hinegardner, the Administrative Office of the Courts' (AOC) attorney who prepared the proposal, was present to answer questions from the task force members. Sheriff Doyle asked: "Where do we file 'Statements of Economic

Interest'?" Justice Kremer replied that the AOC would set up the forms and the mechanics. Lyn noted that the code triggers the filing and she will release a memo that will include the details of the procedure. A motion was made to adopt the conflict of interest code as proposed and was approved unanimously.

- 3) Public Comment Guidelines were reviewed and approved with the following changes:
 - a) The first bullet is changed to read "up to 15 minutes will be available at each Task Force meeting for public comment" and "by individual" will be struck since it may be interpreted that each individual is allotted 15 minutes.
 - b) The fourth bullet is changed to indicate that individual speakers will leave their name and topic "prior to the start of the public comment period."
 - c) The revised guidelines are **attached**.
- 4) Bob Lloyd demonstrated the Task Force web site (www2.courtinfo.ca.gov/facilities/) prepared by AOC staff. The web site contains past and future activities, and other information pertinent to the Task Force (e.g. current facilities standards, member list and personal biographies). It requires Adobe Acrobat Reader to read much of the posted material since it was scanned from existing documents. Meeting agendas will be replaced by meeting reports once they are approved by the Task Force. Bob requested that a press release be published announcing the web site as the Task Force's official source for up-to-date information available to the public. He also proposed that the web site accept questions and comments from the public (similar to the Task Force on Court Employees' web site). If a significant number of questions are received, a "frequently asked questions" section will be added to the site. It was also noted that the website is linked to the Judicial Council's web site. The Task Force unanimously approved the announcement of the site along with the suggested changes/updates.
- 5) The procedures for bringing key issues to entire Task Force were reviewed. It was suggested that a 15 minute time period be allotted at each meeting for an update from the Court Employee Task Force. The members felt that recommendations made by the Employee Task Force may influence the Facilities Task Force's own recommendations on court facility ownership and operations and related issues. The procedures were accepted by consensus (**attached**).
- 6) An overview of the Task Force meeting's two day agenda was presented. Committee chairs will outline committee activities followed by committee meetings. Critical issues will be brought to entire task force Thursday morning. Wednesday's session ends with a presentation by Mike Thomas on the progress in forecasting the courts' current and future space needs from historical trends. Thursday's session will end with a presentation by Dan Smith and subsequent tours of local court facilities.
- 7) An additional item discussed was the establishment of working groups at the committee level. It was noted that these groups would be small (5 or less in membership) and not made up of task force members. The "Statistical Oversight Working Group's" charter and members will be included in a consent agenda for the next task force meeting. A motion was made to accept the procedures (**attached**) for establishing working groups and approved unanimously.

II. REVIEW OF SCHEDULE AND MEETING DATES – Mr. Dan Smith

- 1) Mr. Smith highlighted the work schedule, noting the crucial date of July 1, 1999 for the Task Force's first interim report. The next three task force meetings will be issue based and cover a lot of material. In the next six months, establishment of acceptable court facility standards (Phase 2) must be completed as well as the analysis, on a statewide basis, of future space needs (Phase 3). The standards the Task Force intends to use in evaluating court facilities will be presented as a final draft report in May 1999.
- 2) Mr. Greg Abel commented that, as a body, the Task Force needs to formally approve all documents submitted to the Legislature, Governor, and Judicial Council, even interim reports. Justice Kremer noted that a conference telephone call or an additional meeting could be called after the May 1999 meeting, if necessary, for final approval. Dan Smith pointed out that the final report, which is due July 1, 2001, is scheduled for completion by March 2001 in order to send it to interested agencies for review and comment.
- 3) A question was raised concerning when the "Lockyer-Isenberg Trial Court Funding Act of 1997" required formal review of Task Force reports by counties and other agencies. The review

- process will be researched and recommendations of a detailed schedule for completing Phase 2, including required review (if any), will be made at the next scheduled task force meeting.
- 4) The staff was directed to include updated work schedules and the amended version of the "Lockyer-Isenberg Trial Court Funding Act of 1997" with materials distributed to members ("the binder") prior to meetings.

III. DISCUSSION OF COMMITTEE CHARTERS AND OPERATIONS – Mr. Bob Lloyd

- 1) Mr. Lloyd presented an overview of the committees' missions, including objectives, focused issues, membership, responsibilities and meeting frequency. The affect one committee might have on another; how issues are defined; and possible interaction of various aspects of standards, needs, and budgets were discussed. After acknowledging that it was the executive committee's responsibility to ensure close coordination between committees, the members approved the charters, as proposed, unanimously.

IV. COMMITTEE MEETINGS:

- 1) The Task Force adjourned into committees. Committee meeting reports are **attached**.

V. PHASE 3: PROJECTIONS – Mr. Mike Thomas

- 1) Mr. Thomas of Justice Planning Associates gave a brief overview of the progress made in forecasting future court space needs. Mr. Thomas noted that the "Needs Analysis and Projections Committee" established a "Statistical Oversight Working Group" to validate the source and appropriateness of the data used for space forecasting and ensure that the statistical forecasting tools were appropriate, logical, consistent. He stated that the projections he was sharing with the Task Force were intended as a progress update and had not been completely reviewed nor agreed with by the working group. He noted that there could be changes in the forecasts based upon the working group's detailed review workshop scheduled for January 1999.

DAY 2 - Thursday, December 3, 1998

VI. COMMITTEE CHAIR REPORTS

1) Standards and Evaluations Committee - Judge Wayne Peterson

- a) There was a lively discussion on the definition of court facilities, which took up most of the allotted meeting time. Dan Smith will present a proposal on the definition, with the committee's modifications, later in the morning.

2) Needs Analysis and Projections Committee - Mr. Anthony Tyrrell

- a) The meeting started with joint session of the "Needs Committee" and its "Statistical Oversight Working Group." Working Group members were introduced. Bob Lloyd provided an overview of the charters and goals of both the committee and the working group as well as the Task Force. Mike Thomas then gave a presentation of the forecasting process used by JPA. The committee and working group then split into separate meetings. Mr. Andy Cupples (DMJM) facilitated discussion with the Committee. Mr. Thomas led a detailed review by the Working Group of statistical trends and their projections into the future of a number of key space requirement indicators such as judgeships and case filings.
- b) The committee discussed operations and policy issues that might impact court space needs. They identified the following issues that might warrant detailed review for their potential effect on court space needs:
 - (1) six person juries,
 - (2) technology applications such as electronic reporting and filing,
 - (3) impact of Alternate Dispute Resolution (ADR),
 - (4) 24 hour court, siting of facilities with related services in the same location, and
 - (5) the impact of serving a diverse population.The next steps are to continue to identify issues, maintain a running list of issues, identify resources for input to the Task Force (including other Task Force committees and working groups), and schedule open committee meetings with the Task Force for focusing the vision on key issues.
- c) The working group began to closely examine JPA's forecasting process. Because time was inadequate to complete this detailed discussion, it was agreed that a one day long workshop would be scheduled in January 1999 with the group and consultant.
- d) Mr. Tyrrell encouraged feedback and input from other members of the Task Force.

3) Finance and Implementation Committee - Mr. David Janssen

- a) The meeting began with process questions, followed by a review of a draft document identifying different funding processes used by different agencies. Mr. Tom Gardner (Vitetta Group) reviewed a number of different models for capital outlay used in California; including community colleges and the Board of Corrections. The committee emphasized the need to identify a model that will work and sell well to the legislature, governor, and Judicial Council. Key questions raised were: How do existing court systems procedures compare to the different budget models? How will facilities projects and operations/maintenance be funded – state only/local only/combo of the 2?

VII. PHASE 2 STANDARDS PRESENTATION - Mr. Dan Smith

- 1) Mr. Smith discussed the legislative definition of court operation and the California court rules definition. He then outlined a working definition of court facility.
- 2) Mr. Smith presented the Standards and Evaluation Committees recommendations on which functions, typically found in courthouses, should be considered "courts' functions" and, as such, be detailed in any standards adopted by the Task Force for evaluating court facilities
 - a) Mr. Smith presented the recommendations in a matrix format containing three columns. The first column showed functions recommended for inclusion in the definition of a court facility. The second column showed functions with strong functional relationships with the courts and could be considered integral to the courts' operations. The third column showed functions that may have a functional relationship to the courthouse but are clearly not the responsibility of the courts. He also noted that the specific spatial and physical attributes of functions appearing in column 2 may not need to be defined in court facility standards but that their functional relationship to the courthouse does. Another way to look at the 3 columns is that column 1 represents functions for which the court has direct fiscal responsibility, column 2 is

a gray area, and column 3 is outside of the court's fiscal responsibility. Mr. Smith noted that these listings are meant to identify all possible functions that might be contained in a courthouse but are not necessarily required ("so I know how big the box could be"). Mr. Smith also noted that the terms "courthouse", "justice facility" and "court facility" need to be strongly defined as separate entities within the standard.

- b) Mr. Smith outlined 6 categories that are functionally related but are funded and staffed outside of the courts' budgets. The Standards and Evaluation committee determined that the following categories should be included in the courts' facility standards: in-custody defendant holding; pre-trial services; grand jury; victim/witness services; and law enforcement agency waiting areas. It was noted that within smaller courts it may be hard to identify and separate these functions from court functions. A test question was posed: "is the staff in a specific category paid as court employees (do they appear on the court budget)?"
- c) Refinements proposed to the Proposed Court Facilities Functional Listing were:
 - (1) 2.11 - Robing room: necessary for off bench area; Judge Wick suggested a robing area instead of an actual room.
 - (2) 7.0 - ADR: space should be included unless there is a separate contract for it.
 - (3) 9.0 - Law library: The distinction between a law library for internal use by the court as opposed to the public County Law Library needs to be clearly drawn.
 - (4) Discussion on law libraries brought up the issue of including it in the Task Force's study. A distinction between county law libraries that are accessible to the public and internal court libraries was made. Judge Diane Wick noted that the San Francisco Superior Court has a satellite county law library that was funded and built as part of the court construction project, but its operational funding and staff is provided by the county law library. Judge Wick also noted that the law library might be relocated should the court need the space. It was pointed out that the courts have a functional relationship with county law libraries but that it does not seem to be within the Task Force's charter to address their facilities needs. One concept was to include county law library in the facility standards as general information of interest to the Courts but not to evaluate their facility needs. Mr. Smith mentioned that the County Law Librarians Association wanted to be included in any discussions related to their facilities. Justice Kremer proposed that a representative of the county law library association be invited to address the Task Force before a final determination is made on whether County Law Libraries are included in the definition of court functions. Staff was directed to invite a representative of the County Law Librarians Association to speak at the January 1999 Task Force meeting.
 - (5) 10.2 - Judicial dining room: The need for a Judicial Dining Room was questioned. Mr. Smith explained that the matrix was a list of all possible court spaces that might be included in a courthouse. Staff will research and present recommendations which elements should be included in standards for new and existing construction. A decision on whether or not a space should be included in the standards should be made at a later date after review and discussion of staff recommendations.
 - (6) 12.0 - In-custody defendant holding: The Standards and Evaluation committee recommended moving this to the first column. Task Force members felt that the function was integral to the court operations and must be addressed by the court standards. It was noted that the Board of Corrections is responsible for setting minimum holding cell standards, which should be incorporated into any court facility standards. It was noted that small courts may not require holding cells because of minimal need.
 - (7) 14.0 - Pre-Trial Services: Mr. Janssen questioned the need to add this to column 1. Mr. Abel noted that pre-trial services vary substantially between counties and, consequently, the need to address it in the standard varies. Judge Wick noted that, in San Francisco, pre-trial services are not in the courthouse but housed separately. It was decided to leave this listing in column 2.
 - (8) 16.0 - Grand Jury Suite: After discussion it was the consensus that it stay in column 2.
 - (9) 17.0 - Victim/Witness Services: It was discussed whether to put it in column 1 or 2. It was noted there is a need to address legislative standards (i.e. childcare). Mr. Abel suggested that childcare for the jury members may need to be included under jury

- function. Judge Peterson proposed that items 17.2, 17.4, 17.5 be in column 1 and others in column 2. Mr. Smith agreed to re-define this section.
- (10) 19.3 – Law Enforcement Agencies: Judge Peterson noted that the police need space to prepare diagrams, write reports, etc. Sheriff Doyle agreed with Judge Peterson, there is a strong need for working space for law enforcement officers so that they can be productive while waiting to testify and so that they can be located easily. Mr. Andy Cupples added that this space would give the officers a working area to continue working on administrative tasks while waiting to be summoned. It was agreed that item 19.3.1 (Reception/Waiting) be relocated to section 10 (Court Support Area) in column 1.
- d) Mr. Smith requested approval of the functional listing as amended by the above recommended changes. A motion was made to approve the listing, seconded, and unanimously approved. The approved functional listing is **attached** to this report.
- 3) Mr. Smith suggested establishment of a court security working group. Mr. Abel noted that by July 1999 written agreements between the courts and county law enforcement agencies addressing court security should be in place. Mr. Smith added that the latitude and scope of these agreements needs to be looked at. Sheriff Doyle noted that some agreements are already in place and others are being actively negotiated.
- 4) Mr. Smith opened up the discussion on the level of detail for court facility standards with an overview of other state standards and a comparison of their relative comprehensiveness. Mr. Abel asked whether there is a linkage between standards and funding. Dan Smith replied that it varies from state to state. He also noted that other state standards varied in depth item to item, and were not developed as an evaluation tool. Mr. Smith stated that most of the state court standards were developed by courts consultants.
- 5) Dan Smith turned to the Work Plan Task 2b, Past Utilization of Standards – looking at those facilities built between January 1993 and November 1998. Nine facilities were identified after review and three selected from the list for on-site review: Butte Consolidated Court Building Addition (rural), SF Civic Center Courthouse (urban) and Riverside Family Law Center (specialized).
- a) Initial discussions with court, county and design representatives on how the current standards were used indicated that the California Trial Court Facilities Standards (1991) were not specific enough to use in the design process and, therefore, were not heavily relied upon. Typically, the courts relied upon their architectural consultant's standards that were broader in scope and more detailed.
- b) It was also noted that the budget and selected building site impacted the final design of the courthouses, as did negotiated agreements with the county. This often caused deviation from the California Trial Court Facilities Standards.
- 6) Mr. Smith continued with his presentation and introduced a number of working group topics. The first working group would concentrate on the critical issue of unification. He recommended that the group be staffed with five members; noting that the California State Association of Counties (CSAC) and the judiciary should both be represented. The second group would focus on technology and he suggested industry professionals be included in its membership. The third group would focus on security with members and should include the state sheriff association in its membership. The fourth working group proposed was one addressing Appellate Court facilities.
- a) Optimally, these working groups would have their charters, missions and specific agendas approved by the Standards and Evaluation Committee before the January 1999 task force meeting so that they can start work immediately.
- b) Mr. Smith solicited recommendations from the task force members noting that he would like to have the group working by the January 1999 task force meeting. He suggested that members might come from the CSAC's Court Facilities Task Force Advisory Group and Justice Resource Group for the Facilities Task Force.
- c) Mr. Abel noted that there is a blue ribbon group looking at jury issues and suggested inviting them to come in at a later date to report their findings. He also emphasized the need to keep vigil on any other task forces that would be of help.
- d) The task force agreed with the need to form these working groups prior to the next task force meeting. Staff will work with the Standards and Evaluation committee. "Consent agendas"

establishing these working groups should be on the January 1999 Task Force meeting agenda.

VIII. PUBLIC COMMENT – Justice Daniel Kremer

- 1) Justice Kremer asked if there was anyone present to speak during the public comment period – there was none.

IX. TOUR SAN FRANCISCO SUPERIOR COURT – Judge Diane Elan Wick, Mr. Alan Carlson

- 1) Judge Wick, who served on the court's building committee, presented a brief overview of the San Francisco Superior Court construction project before leaving to tour the new courthouse at San Francisco Civic Center. Prior to the 1989 earthquake, the courts were "temporarily" housed for 80 years in City Hall (no dedicated building for the courts). The new court was located on city owned land, north of city hall. The small site, coupled with height limitations and ground water limiting the basement depth, presented a number of challenges that shaped the design of the building. Although many of the judges thought that the resulting court spaces were too small they were accepted because the court had its first dedicated facility. The court's building committee had to deal with seven different commissions who often had competing interests. The building committee were successful in negotiating with the city's arts commission an agreement to spend a significant portion of the required arts-in-architecture budget on building components that were artistic as well as functional, for example the courthouse's main entry doors.
- 2) Retrospectively, she stressed the need to document decisions. She also identified a number of problem areas including signage which was difficult to change; assisted listening devices whose operating frequency conflicts with the frequency of light fixture ballasts; a complicated lock system, items cut without the judges' knowledge; and change orders caused by acrimony between the contractors and consultants. She cited completion of the project within budget and the creative spatial elements that arose from the need to maximize space due to site and zoning constraints as positive points of the project.
- 3) The Task Force adjourned to visit the site and closed the meeting at the end of the facility tour.

**X. OPTIONAL TOUR - SUPREME COURT/FIRST DISTRICT COURT OF APPEAL/
ADMINISTRATIVE OFFICE OF THE COURTS AT CIVIC CENTER – Mr. Bob Lloyd**

- 1) An optional tour of the renovated Supreme Court and First District Court of Appeal (set to open by early 1999) was available to those members without time constraints.



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STANDARDS AND EVALUATION COMMITTEE

Meeting Report

December 2, 1998

DoubleTree Hotel, San Francisco, CA

TASK FORCE ATTENDEES: Hon. Daniel J. Kremer, TF chair	PRESENTERS: Mr. Dan Smith, Daniel C. Smith & Associates/Vitetta Group
COMMITTEE MEMBERS: PRESENT: Hon. Wayne Peterson, Chair Sheriff Robert Doyle Hon. Michael E. Nail Mr. Eugene Spindler II	TASK FORCE STAFF: Ms. Veronica Gomez, Staff Analyst
ABSENT: Hon. Martha Escutia Hon. Gary Freeman	CONSULTANTS TO THE TASK FORCE: Ms. Kim Steinjann, Daniel, Mann, Johnson, & Mendenhall Ms. Kathy Bruns, Daniel C. Smith & Associates/Vitetta Group
	GUESTS: Mr. Ruben Lopez, California State Association of Counties Ms. Kellie Bieber, Orange County Ms. Sue Bost, Department of Finance Ms. Kathy Bruns, Daniel C. Smith & Associates/Vitetta Group

- I. The committee meeting started at 1:35 PM.
- II. Mr. Dan Smith opened the meeting with a discussion of four proposed working groups.
 - 1) One working group would focus on unification. A question was brought up as to whether different organizational structures work differently in diverse counties and would affect the standards. Discussion on the fundamentals of facility standards, needs, and finance and their interaction followed. Judge Peterson suggested that the definition of unification is the organization of judicial resources and space for increased flexibility and better distribution of resources. He added that one judge/one court is necessary because of attorney peremptory challenges and a defendant's right to jury trial.
 - 2) A second suggested working group would focus on technology. Judge Peterson expressed the opinion that technology will have a major impact on the courts. For example court unification in San Diego County will require consolidation of five different operating computer platforms. Should trial courts use the same computer operating system as the appellate court to make information sharing easier? Also, technology has increased court efficiency; for example, typing trial minutes on the typewriter at the conclusion of the sessions has been replaced with inputting minutes into a computer while the trial is going on. Justice Kremer emphasized that the committee needs to stay focused on facility standards and not administrative standards.
 - 3) Other suggested groups were court security, and appellate court needs.

- 4) Possible working groups in the area of operational/societal changes and legislative changes that might impact court facilities requirements were briefly discussed. It was noted, however, that these working groups would, probably, fall under the Needs Analysis and Projections Committee charter.
- III. Mr. Smith directed discussion to the development of a working definition of a court facility by reviewing legislative definitions in the government code, including a list of court operations. AB 233's definition of court facilities was examined. Mr. Spindler asked if a court could be run under this definition since it doesn't include other services like probation and the district attorney. Also, there is a need to define the term "attendant rooms".
- IV. Mr. Smith then presented to the committee a staff prepared list of major functional categories to assist in defining a court facility. A question concerning California Rules of Court 810 and how it affects the listed categories was brought up.
- V. The group discussion then focused at the functions that would not be included in the standards. It was suggested that it may be convenient to identify the relationship of non-court functions with court functions but the Task Force does not need to address and make recommendations on these areas. For example the proximity of non-court functions could be recommended, including co-location, but it would not be necessary to come up with standards for non-court areas. Ms. Sue Bost, a guest from the Department of Finance, provided an example of an educational facility where the instructional areas were funded and standards followed but the non-instructional areas in the same building had separate funding and a separate program. Judge Nail proposed that philosophical recommendations be made as to what is co-located with related functions (ex. district attorney). It was noted that there may be alternatives and variations in which budgeting narrows the focus of what's included in a specific court program or prompt partnerships with functions and organizations not normally included in a courts project.
- VI. Mr. Smith and Sheriff Doyle exchanged ideas on in-custody defendant holding areas. This area is addressed by the Board of Corrections (BOC) but could be included in the facility definition category by adopting the BOC standards for this area. Discussion of the distinction between the Security holding area (1.5) and In-custody Defendant holding area (12.0) ensued, particularly with budgeting responsibilities.
- VII. It was felt that the range of childcare services available to the victim/witness area, children of individuals attending to court matters, and/or court employees required better definition.
- VIII. The depth of the standards/level of detail was examined. Dan Smith proposed (in agreement with Justice Kremer) that it should be formatted so that a planner/designer can utilize it. Concerns raised included whether more detail will limit flexibility, and that the template for evaluation will find a facility substandard even though it works well for the users. Optimum standards should address sensitivity, common sense and economics.
- IX. It was also noted that present standards do not address existing facilities. Ms. Bost proposed the possibility of 3 sets – new, renovation and remodel. Mr. Spindler added that the state historic preservation code might address part of this. Judge Peterson asked if the committee could review the United States Administrative Office of the Courts' (USAOC) and the National Center for State Courts' (NCSC) standards. Justice Kremer replied that the NCSC is closest to the language. Dan Smith agreed that to furnish the committee members with the NCSC standards.
- X. Judge Peterson proposed moving categories 12.0, 14.0, 16.0, 17.0, and 19.3 to column and, with this change, adopting the proposed functional listings. The committee agreed to this by consensus.
- XI. Committee adjourned at 4:00 PM to the main meeting room for continuance of the Task Force meeting.



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FUTURE NEEDS / PROJECTIONS COMMITTEE MEETING
Meeting Report
December 2, 1998
DoubleTree Hotel, San Francisco, CA

<i>TASK FORCE ATTENDEES:</i>	<i>PRESENTERS:</i>
<i>COMMITTEE MEMBERS:</i>	Mr. Mike Thomas, Justice Planning Associates
<i>PRESENT:</i>	Mr. Andrew Cupples, Daniel, Mann, Johnson & Mendenhall
Mr. Anthony Tyrrell, Chair	<i>TASK FORCE STAFF:</i>
Hon. Joan B. Bechtel	Mr. Robert Lloyd – Project Coordinator / Senior Facilities Planner
<i>ABSENT:</i>	<i>GUESTS:</i>
Mr. Wylie A. Aitken	Mr. Tom Lutzenberger, Department of Finance
Ms. Yvonne Campos	Statistical Oversight Group:
Mr. John A. Clarke	Mr. Pedro Reyes, Department of Finance
	Mr. Alex MacBain, Legislative Analyst's Office
	Mr. Jim Wiltshire, California State Association of Counties
	Ms. Jennifer Tachera, Administrative Office of the Courts
	Ms. Kathleen Shih, Administrative Office of the Courts

I. Combined "Needs Analysis and Projections Committee" and "Statistical Oversight Working Group" meeting.

- 1) Mr. Bob Lloyd presented a brief overview of the Task on Court Facilities charter, its organization, and the establishment and charter of the "Statistical Oversight Group."
 - a) AB 233 established an 18-member Task Force included in its charter is requirement to "document the need for new or modified facilities" (Gov. Code §77653). The Task Force is required to present an interim report to the Legislature by July 1, 1999 and a second interim report by January 1, 2001. The second report is to include the "need for new facilities" along with the impact of coordination and consolidation on facility needs and administrative and operational changes which can reduce the need for facilities. The second report is to be circulated for comment prior to presentation of the final report July 1, 2001. This report will include an evaluation of existing court facilities against facility standards recommended by the task force. It will also include a determination of the courts current space requirements as well as forecasts of the courts future space needs, in light of changes that could reduce space requirements. The comparison of space needs with adequate existing courts space will result in the development of a multi-year Capital Investment Plan recommended by the task force. Included in the task force's report will be funding strategies for construction as well as facility operations and maintenance. They will also make recommendations on who should own and operate court facilities.
 - b) The Task Force has divided into three working committees: "Standards and Evaluation", "Needs Analysis and Projections", "Finance and Implementation." There is also and Executive Committee composed of the Task Force chair and the committee chairs. The role of the "Needs Analysis and Projections committee is:
 - (1) Provide the Task Force with the foundation for understanding the demand for current and future judicial system resources, and the consequences for the State's judicial facilities.
 - (2) Recommend to the Task Force a model of the likely growth in court space requirements.
 - (3) Identify changes in organization, operational procedures, and equipment that will likely increase or decrease space needs as well as those that, although not likely to occur, could reduce space needs.
 - c) "Needs Analysis and Projections" committee, in conjunction with the "Executive Committee," established the "Statistical Oversight Working Group." The "Oversight" group is responsible for assuring that space forecasts developed by the Task Force's consultant, Justice Planning Associates (JPA), are based upon complete and accurate historical data; that space statistical forecasting models are logical, sound, and applied consistently. They will also insure that underlying personnel forecasts are consistent with other projects that may be predicting workload such as the AOC's "Court Profiles" project. The "Oversight Group's" members are Alex McBain, of the Legislative Analyst's Office, Jim Wiltshire of California State Association of Counties, and a representative of the Department of Finance (Pedro Reyes and Tom Lutzenberger both attended), Jennifer Tachera and Kathleen Shih of the Administrative Office of the Courts.
- 2) Mr. Mike Thomas of JPA gave a brief overview of their space forecasting process, stressing the difference between a predictive analytical model vs. review of operational and policy "what if" initiatives to mitigate projected space needs for the courts system. JPA is a consulting firm that has performed work in 35 other states, primarily in the area of justice planning. He stated that while their charge was to forecast facility space needs, they selected judgeship positions and support staff as a key determinant in establishing the current and future space needs. Mr. Thomas emphasized that their findings are not based on "need" (much less "critical need") but are predictive rather than prescriptive. As stated, the projected increases in judgeships are the positions the state will have (according to their statistical methodology), not the positions the state should have.
 - a) The mandate of the Task Force is to address both the trial and appellate courts. Therefore, the report includes predictions of additional judgeships for both levels. The report also includes an analysis of caseload for the Supreme Court, but no predictions on additional Supreme Court judgeships.

- 3) At this point, the "Needs Analysis and Projections" committee and the "Oversight Group" split into two separate meetings. Mr. Andrew Cupples facilitated the remainder of the "Needs" committee's meeting in the initial exploration of operational or policy changes that could mitigate space needs. Mr. Thomas led the Statistical Oversight Group's review of the workload growth modeling process and the underlying assumptions.

II. Needs Analysis/Projections Committee Discussion

- 1) The committee discussed a wide range of general issues regarding their charge under the Trial Court Funding Act. Their key conclusions were:
 - a) Task Force should consider a broad potential for change, even if ultimately it is believed that implementation is not likely to occur, in order to reinforce the validity of recommended directions.
 - b) The Task Force cannot make or enforce policy directly, but can identify operational or policy implications that are assumed as a basis for planning recommendations.
 - c) While the primary goal is to identify actions that could mitigate need for space or facilities, the Task Force must balance consideration for the "effectiveness" of the delivery of justice with perceived efficiencies.
- 2) The committee identified initial projections issues for consideration:
 - a) County Comparison Data - filings/judge, disposition/judge, judges/population, support staff ratio;
 - b) Compare unified system to non-unified system - are efficiencies realized?
 - c) What legislative actions may impact the demand for court resources in the future? What has the trend been in changes in recent history? How will this be addressed in planning?
- 3) The committee identified initial Operational/Policy issues for consideration:
 - a) Impact of moving caseload to administrative courts (i.e. traffic) - Needs/Projections
 - b) Consideration of six person juries - Space Standards/Projected Needs
 - c) Expanded use of technology, including video appearance for arraignment, probation violation hearings etc. - Space Standards/Projected Needs
 - d) Potential impacts of unification in terms of service, staffing and facilities - Space Standards/Projected Needs
 - e) Regionalization of Services - Projected Needs/Space Standards
 - f) Impact of serving a diverse population - Community Based Courts - Projections
 - g) Geographic consolidation - judicial positions and staffing savings vs. service and facilities - Projections
 - h) 24 hour courts - Space Standards/Projections
 - i) Impact of ADR & Private Dispute Resolution - Projections
 - j) Impact of Electronic Reporting - Space Standards/Projections
 - k) Use of Electronic Filing and Record for Appellate process - Space Standards/Projections
 - l) Siting of Facilities, co-location with related services - Space
- 4) The committee identified the next steps they need to take:
 - a) Continue to identify issues that should be considered by the Committee & Task Force
 - b) Maintain running list throughout study to allow consideration, review, and resolution at appropriate time in study process
 - c) Identify resources for input to Task Force - (i.e. ongoing efforts of Judicial Council or AOC, CSAC, working groups)
 - d) Schedule open discussion with Task Force as a means to foster wider participation in identifying operational or policy considerations that may allow for better utilization of facilities

III. Statistical Oversight Working Group Discussion

- 1) Data Source and Assumptions
 - a) The primary data relied upon by JPA is population and case filings. Population figures were obtained from the DOF demographics unit. Case filings were obtained from the AOC's annual *Court Statistics Report*. The JPA report also includes a substantial amount of data regarding offense records, arrest records and age cohorts, but although this data is arrayed, it was ultimately not considered significant enough to use as predictors. The JPA report, in

predicting new judgeships, builds on the historical increase in both judgeships and Judicial Position Equivalents (JPEs)

- b) The time period of the data is the last 18 years: FY 1979/80 to FY 1996/97. The forecast period is from 2000 to 2020. The consultant indicated that long-term projections tend to be more accurate than short-term projections.
 - c) The report aggregates data statewide. Eventually, there will be 58 master plans. The consultant indicated that in some of the small counties they might recommend a regional approach.
 - d) The data is also aggregated in terms of "all civil" and "all criminal" - Within those two data sets are the respective subsets of general civil, family law and other civil; and juvenile, juvenile delinquency and juvenile dependency. Projections have also been made for these subsets. However, this is primarily a check against the accuracy of the aggregate forecast. Moreover, the aggregate forecast serves as a ceiling to limit the totals of the subsets.
 - e) The JPA consultant defended the use of population as a principal determinant on the basis that that's what the other states do and it is intuitively correct. (The Judgeship Needs Analysis does not use population.) He also noted that in all states the percentage increase in case filings is greater than the percentage increase in population.
- 2) Methodology
- a) The principal mathematical models used by JPA are projections based on percentage change and predictions based on number change. The first approach tends to give an aggressive, or high, prediction. The second will give a conservative (low) prediction. In addition, the JPA report uses as many as 16 other models to validate their findings (Sec. 1. p.3). These are: modified historical percentage change; modified actual number change; mean deviation change; linear regression (least squares analysis); low ratio to population; average ratio to population; high ratio to population; historical percentage change in ratio; actual number change in ratio; modified historical percentage change in ratio; modified actual number change in ratio; caseload to population relationship (% and #); mean deviation change in ratio; average annual percentage change in ratio; multiple regression; and interrelationship models.
 - b) The criteria used by JPA for acceptance of the models is that they be: 1) methodologically sound, mathematically correct and internally consistent; 2) applied in an appropriate and consistent manner; and 3) intuitively valid and have "real world" credibility and applicability.
- 3) Issues Raised
- a) The material presented to the Oversight Committee by the consultants was entitled "Statewide Filing and Judgeship Projections--California Court Facility Study" (Dec. 3, 1998). As noted, this covers trial, appellate and Supreme Court filings and caseloads and projects judgeships for the trial and appellate courts. The material also tracks Superior and Municipal Court filings separately, including the future projections.
 - b) There were two issues raised by the Oversight Committee with respect to the JPA methodology. One, many of the graphs depicted an historical downward trend, at least for the past few years, but the future projection was invariably upward. This was repeatedly justified by the consultants as based on "projected population increase," i.e. that California's population would increase by 50% over the next 20 years, so naturally, the general civil filings, family law filings, other civil filings, etc. would increase. Two, although the JPA system has developed 18 separate models against which data can be run, for each projection, only certain models were used, and these were not consistent among the projections. The consultants explained that models that failed to validate the results were excluded. This gave the impression to the Committee that JPA was being selective and using post hoc reasoning to bolster their findings. Moreover, in all cases they chose the higher figures. This was justified as providing a sufficient ceiling under which the subsets could be aggregated.
 - c) The historical data for the Municipal Courts was even more dramatic in showing downward or flat trends, but nonetheless becoming the recipient of additional judgeships. The audience at the general session felt this confirmed their observation that Municipal Courts may be underutilized.
- 4) Next Steps

- a) The members of the Committee expressed some frustration in attempting to follow the methodology used by JPA and requested that, within a few weeks, an additional session be arranged, possibly in Sacramento, for the data and methodology to be reviewed again.



The Task Force on Court Facilities
303 Second Street, South Tower, San Francisco, CA 94107-1366

FINANCE/ IMPLEMENTATION COMMITTEE MEETING

Meeting Report

December 2, 1998

DoubleTree Hotel, San Francisco, CA

ATTENDEES: TASK FORCE MEMBERS: PRESENT: Mr. Greg Abel Mr. David Janssen Mr. Fred Klass Hon. Charles V. Smith Hon. Diane Elan Wick ABSENT: Hon. Jerry Eaves	PRESENTERS: Mr. Jeff Buck, Daniel, Mann, Johnson & Mendenhall Mr. Thomas Gardner, Vitetta Group TASK FORCE STAFF: Mr. Bruce Newman, Facilities Planner CONSULTANTS TO THE TASK FORCE: Mr. Jeff Buck, Daniel, Mann, Johnson & Mendenhall Mr. Thomas Gardner, Vitetta Group GUESTS: Mr. Art Gomez, San Bernardino County
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I. OPENING COMMENTS FROM TASK FORCE MEMBERS

- 1) Judge Wick suggested that the committee look at the positive and negative aspects of state owned and county owned facilities within other states. This would help establish criteria for developing a model for California.
- 2) Mr. Janssen mentioned that we should look at state, local or a combination of the two when analyzing which system would work best here.
- 3) The committee agreed that the state will be responsible for a total of 38 counties by next year.
- 4) It was also noted that most counties are currently only doing maintenance to existing court facilities while waiting until the task force report is finished.

II. CONSULTANT PRESENTATION AND DISCUSSION

- 1) Mr. Buck presented a sample copy of the Building Operation Data Entry Form for the committee to review. This form or some variation of this will be completed for each court facility in the state. He reviewed the physical inventory form and explained how this data will help determine the cost of maintaining a certain building. He asked that the committee members review the criteria listed on pages 1,2 and 3 of the summary list. He also emphasized that we can only afford to survey the 58 counties once.
- 2) The core data collection team will check with CSAC to make sure their concerns are covered by the questions on the survey form used.
- 3) In reviewing the data entry forms presented by Mr. Buck, Mr. Janssen stated that page one of the facilities study is probably the most valuable to the finance committee. He also suggested that the form should ask how the building was paid for and that counties should be listed first instead of state under all categories on the survey form.
- 4) The questions for the database should be built and ready to use in about three months. Every field will have to be determined by that time.
- 5) Mr. Gardner presented the status of research with a partial work product of the illustration of the universal capital outlay model that they are working on.
- 6) Historically financial and construction oversight has always been done by two separate groups. All projects must go through a plan – request – allocation process.
- 7) Mr. Janssen stated that when state money is used for a construction project it must comply with state rules. If local money is used for funding the project simply has to comply with standard building codes.
- 8) Mr. Klass noted that there is a project review process currently used on the state level and handed out copies of a model for a standard state capital outlay program.
- 9) Mr. Gardner handed out a table showing summary capital outlay processes for financial elements for the state of California. The purpose of the table is to show that models do exist in California. He reviewed several of the sample models from various California agencies.
- 10) Judge Wick stated that state funding always comes with strings attached. The issue for the finance committee to consider is how rigid will the standards be set in order to finance a project.
- 11) Mr. Gardner mentioned that the California State University, Community College, and Board of Corrections Systems are the best models to look into further. We may use this as a catalyst for our own model.
- 12) Mr. Klass stated that the committee should be determining what we would like the state, court and local relationships to be instead of looking at other models. He added that the committee would probably end up with a fairly accurate model, technically, how funded, politically based on existing policy now.
- 13) Mr. Janssen emphasized that it is important that committee members understand how trial court funding works.
- 14) Mr. Abel suggested that the committee invite a guest speaker to a meeting to explain how courts are financed now. This would be very helpful for “non-court” members. A division chief from the AOC like Mr. Moshier would probably be able to provide much insight in this matter.